

AN ACT

relating to the operation of Texas Task Force 1.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 88, Education Code, is amended by adding Subchapter D to read as follows:

SUBCHAPTER D. TEXAS TASK FORCE 1

Sec. 88.301. DEFINITIONS. In this subchapter:

(1) "Local government employee member" means a member employed by a local government as defined by Section 102.001, Civil Practice and Remedies Code.

(2) "Member" means an individual, other than an employee of The Texas A&M University System, who has been officially designated as a member of Texas Task Force 1.

(3) "Nongovernment member" means a member who is not a state employee member, a local government employee member, or an employee of The Texas A&M University System.

(4) "State employee member" means a member employed by an agency of the state other than a component of The Texas A&M University System.

Sec. 88.302. TEXAS TASK FORCE 1. Texas Task Force 1 is a program of the Texas Engineering Extension Service providing training and responding to assist in search, rescue, and recovery efforts following natural or man-made disasters.

Sec. 88.303. WORKERS' COMPENSATION INSURANCE COVERAGE. (a)

1 Notwithstanding any other law, during any period in which Texas  
2 Task Force 1 is activated by the governor's division of emergency  
3 management, or during any training session sponsored or sanctioned  
4 by Texas Task Force 1, a participating nongovernment member or  
5 local government employee member is included in the coverage  
6 provided under Chapter 501, Labor Code, in the same manner as an  
7 employee, as defined by Section 501.001, Labor Code.

8 (b) Service with Texas Task Force 1 by a state employee  
9 member who is activated is considered to be in the course and scope  
10 of the employee's regular employment with the state.

11 (c) Service with Texas Task Force 1 by an employee of The  
12 Texas A&M University System is considered to be in the course and  
13 scope of the employee's regular employment with The Texas A&M  
14 University System.

15 (d) Notwithstanding Section 412.0123, Labor Code, as added  
16 by Chapter 1098, Acts of the 75th Legislature, Regular Session,  
17 1997, the governor's division of emergency management shall  
18 reimburse the State Office of Risk Management for the actual  
19 medical and indemnity benefits paid on behalf of a covered member of  
20 Texas Task Force 1 at the beginning of the next state fiscal year  
21 occurring after the date the benefits are paid.

22 SECTION 2. Section 408.0445, Labor Code, is amended to read  
23 as follows:

24 Sec. 408.0445. AVERAGE WEEKLY WAGE FOR MEMBERS OF [~~THE~~]  
25 STATE MILITARY FORCES AND TEXAS TASK FORCE 1. (a) For purposes of  
26 computing income benefits or death benefits under Section 431.104,  
27 Government Code, the average weekly wage of a member of the state

military forces as defined by Section 431.001, Government Code, who is engaged in authorized training or duty is an amount equal to the sum of the member's regular weekly wage at any employment the member holds in addition to serving as a member of the state military forces, disregarding any period during which the member is not fully compensated for that employment because the member is engaged in authorized military training or duty, and the member's regular weekly wage as a member of the state military forces, except that the amount may not exceed 100 percent of the state average weekly wage as determined under Section 408.047.

(b) For purposes of computing income benefits or death benefits under Section 88.303, Education Code, the average weekly wage of a Texas Task Force 1 member, as defined by Section 88.301, Education Code, who is engaged in authorized training or duty is an amount equal to the sum of the member's regular weekly wage at any employment, including self-employment, that the member holds in addition to serving as a member of Texas Task Force 1, except that the amount may not exceed 100 percent of the state average weekly wage as determined under Section 408.047. A member for whom an average weekly wage cannot be computed shall be paid the minimum weekly benefit established by the commission.

SECTION 3. Section 501.001(5), Labor Code, is amended to read as follows:

(5) "Employee" means a person who is:

(A) in the service of the state pursuant to an election, appointment, or express oral or written contract of hire;

(B) paid from state funds but whose duties

1 require that the person work and frequently receive supervision in  
2 a political subdivision of the state;

3 (C) a peace officer employed by a political  
4 subdivision, while the peace officer is exercising authority  
5 granted under:

6 (i) Article 12, Code of Criminal Procedure;  
7 or

8 (ii) Articles 14.03(d) and (g), Code of  
9 Criminal Procedure; ~~[or]~~

10 (D) a member of the state military forces, as  
11 defined by Section 431.001, Government Code, who is engaged in  
12 authorized training or duty; or

13 (E) a Texas Task Force 1 member, as defined by  
14 Section 88.301, Education Code, who is activated by the governor's  
15 division of emergency management or is injured during any training  
16 session sponsored or sanctioned by Texas Task Force 1.

17 SECTION 4. Section 501.002, Labor Code, is amended by  
18 adding Subsection (f) to read as follows:

19 (f) For purposes of this chapter and Subchapter D, Chapter  
20 88, Education Code, the Texas Engineering Extension Service of The  
21 Texas A&M University System shall perform all duties of an employer  
22 in relation to a Texas Task Force 1 member who is injured and  
23 receives benefits under this chapter.

24 SECTION 5. This Act takes effect immediately if it receives  
25 a vote of two-thirds of all the members elected to each house, as  
26 provided by Section 39, Article III, Texas Constitution. If this  
27 Act does not receive the vote necessary for immediate effect, this

H.B. No. 2116

1 Act takes effect September 1, 2003.

H.B. No. 2116

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President of the Senate

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Speaker of the House

I certify that H.B. No. 2116 was passed by the House on April 10, 2003, by the following vote: Yeas 143, Nays 0, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 2116 on May 23, 2003, by the following vote: Yeas 136, Nays 0, 2 present, not voting.

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Chief Clerk of the House

I certify that H.B. No. 2116 was passed by the Senate, with amendments, on May 22, 2003, by the following vote: Yeas 31, Nays 0.

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Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

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Governor